

PATENT

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November 30, 2001
Date

J. Breaks
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Orest W. Blaschuk et al.
Application No. : 09/185,908
Filed : November 3, 1998
For : COMPOUNDS AND METHODS FOR MODULATING CLAUDIN-MEDIATED FUNCTIONS

Examiner : Amy DeCloux, Ph.D.
Art Unit : 1644
Docket No. : 100086.409
Date : November 30, 2001

Commissioner for Patents
Washington, DC 20231

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents:

In response to the Restriction Requirement dated October 31, 2001, Applicants hereby elect Group I, with traverse, claims 2-6, 27-32 and 35-37, drawn to a cell adhesion modulating agent comprising a linear claudin CAR sequence and a pharmaceutical composition thereof, for examination at this time.

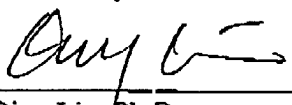
Applicants further elect the following species: (A) five as the specific number of consecutive amino acid residues of CAR sequences; (B) a peptide of eight amino acid residues; and (C) SEQ ID NO:34 (*i.e.*, WKIYSYAG). Claims readable on the elected species include claims 2-6, 27-32 and 35-37.

Applicants respectfully request the withdrawal of the above Restriction Requirement. This Requirement was issued after a Continued Prosecution Application (CPA) was filed. During the prosecution of the same application before the CPA was filed, a Restriction Requirement was issued and the elected invention was prosecuted for over one year.

The Restriction Requirement for the CPA appears to treat the CPA as the application originally filed because certain claims canceled in response to the first Restriction Requirement (*i.e.*, claims 21-26, 44-45, 50-51, 56-57 and 62-63) are still regarded as pending claims in the second Restriction Requirement. Because a CPA, unlike a continuation application, is for the continued prosecution of a parent application, and the Restriction Requirement for the CPA brings the prosecution of this application back to its starting point, this Requirement is burdensome to both the Examiner and Applicants. Accordingly, withdrawal of this Requirement is respectfully requested.

Enclosed is a copy of Limited Recognition Under 37 CFR § 10.9(b).

Respectfully submitted,
Orest W. Blaschuk et al.
Seed Intellectual Property Law Group PLLC



Qing Lin, Ph.D.
See Limited Registration

QXL:jab

Enclosures:

Postcard
Form PTO/SB/21
Copy of Limited Recognition Under 37 CFR § 10.9(b)

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